

GOVERNMENT CODE  
TITLE 10. GENERAL GOVERNMENT  
SUBTITLE E. GOVERNMENT PROPERTY  
CHAPTER 2205. AIRCRAFT POOLING

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2205.001. SHORT TITLE. This chapter may be cited as the State Aircraft Pooling Act.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 2205.002. DEFINITIONS. In this chapter:

(1) "Department" means the Texas Department of Transportation.

(2) "State agency" means an office, department, board, commission, institution, or other agency to which a legislative appropriation is made.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 533 (S.B. [312](#)), Sec. 58, eff. September 1, 2017.

Sec. 2205.012. STAFF. The department may employ and compensate staff as provided by legislative appropriation or may use staff provided by the comptroller or the state auditor's office.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 937 (H.B. [3560](#)), Sec. 1.72, eff. September 1, 2007.

Acts 2017, 85th Leg., R.S., Ch. 533 (S.B. [312](#)), Sec. 59, eff. September 1, 2017.

SUBCHAPTER B. STATE AIRCRAFT

Sec. 2205.031. APPLICABILITY OF CHAPTER TO STATE AIRCRAFT.

(a) This chapter applies to all aircraft owned or leased by the

state, except as provided by Section [2205.033](#).

(b) Each state agency shall use state-owned aircraft to the extent feasible.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1999, 76th Leg., ch. 280, Sec. 11, eff. Sept. 1, 1999.

Sec. 2205.032. CUSTODY, CONTROL, OPERATION, AND MAINTENANCE. (a) The department shall operate a pool for the custody, control, operation, and maintenance of all aircraft owned or leased by the state.

(b) The department may purchase aircraft with funds appropriated for that purpose.

(c) As part of the strategic plan that the department develops and submits under Chapter [2056](#), the department shall develop a long-range plan for its pool of aircraft. The department shall include the long-range plan in the department's legislative appropriations request if the department identifies the need for additional appropriations and the additional appropriations are related to the department's duties under this chapter. The long-range plan must include:

(1) estimates of future aircraft replacement needs and other fleet management needs, including:

(A) any projected need to increase or decrease the number of aircraft in the pool;

(B) estimates of the remaining useful life for each aircraft in the pool; and

(C) a proposed schedule for replacing aircraft in the pool;

(2) a range of alternatives and scenarios for the number and types of aircraft in the pool;

(3) an analysis of current usage of aircraft in the pool, including customer base and documented rationale for use;

(4) the status of maintenance time and costs and projected future trends regarding maintenance time and costs;

(5) any documented high-risk mechanical issues with aircraft in the pool;

(6) an analysis of the costs and benefits of different methods for meeting air transportation currently provided by the department under Section [2205.036](#), including:

(A) the potential use of statewide contracts for private charter aircraft services;

(B) increased reliance on commercial carriers for routine travel;

(C) decreasing the number of aircraft in the pool and increasing the use of contracted flight services; and

(D) any other method the department considers feasible; and

(7) an analysis of the impact of including capital recovery costs in the rates the department charges under Section [2205.040](#) that, at a minimum, includes the impact of those included costs on customer utilization and the department's schedule for replacing aircraft in the pool.

(d) In developing the long-range plan, the department shall consider at a minimum for each aircraft in the pool:

(1) how much the aircraft is used and the purposes for which the aircraft is used;

(2) the cost of operating the aircraft and the revenue generated by the aircraft; and

(3) the demand for the aircraft or for that type of aircraft.

(e) The department shall update the long-range plan annually and make the plan available on the department's Internet website.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.  
Amended by Acts 2001, 77th Leg., ch. 1232, Sec. 2, eff. Sept. 1, 2001.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 533 (S.B. [312](#)), Sec. 60, eff. September 1, 2017.

Sec. 2205.033. TEXAS A&M UNIVERSITY SYSTEM AIRCRAFT. (a) The board of regents of The Texas A&M University System is primarily responsible for scheduling Texas A&M University System aircraft.

(b) The Texas A&M University System shall base Texas A&M University System aircraft in Brazos County.

(c) A pilot of Texas A&M University System aircraft must be an employee of The Texas A&M University System.

(d) In this section, "Texas A&M University System aircraft" means aircraft owned on August 31, 1991, or acquired after that date by The Texas A&M University System or one of its components.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 2205.034. FACILITIES. (a) The department may acquire appropriate facilities for the accommodation of all aircraft owned or leased by the state. The facilities may be purchased or leased as determined by the department to be most economical for the state and as provided by legislative appropriations. The facilities may include adequate hangar space, an indoor passenger waiting area, a flight-planning area, communications facilities, and other related and necessary facilities.

(b) A state agency that operates an aircraft may not use a facility in Austin other than a facility operated by the department for the storage, parking, fueling, or maintenance of the aircraft, whether or not the aircraft is based in Austin. In a situation the department determines to be an emergency, the department may authorize a state agency to use a facility in Austin other than a department facility for the storage, parking, fueling, or maintenance of an aircraft.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 533 (S.B. [312](#)), Sec. 61, eff. September 1, 2017.

Sec. 2205.035. AIRCRAFT LEASES. (a) The department by interagency contract may lease state-owned aircraft to a state agency.

(b) A state agency that is the prior owner or lessee of an aircraft has the first option to lease that aircraft from the department.

(c) The lease may provide for operation or maintenance by

the department or the state agency.

(d) A state agency may not expend appropriated funds for the lease of an aircraft unless the department executes the lease or approves the lease.

(e) A state agency may not use money appropriated by the legislature to rent or lease aircraft except from the department or as provided by Subsection (f). For purposes of this subsection and Subsection (f), payments of mileage reimbursements provided for by the General Appropriations Act are not rentals or leases of aircraft.

(f) If the department determines that no state-owned aircraft is available to meet a transportation need that has arisen or that a rental or lease of aircraft would reduce the state's transportation costs, the department shall authorize a state agency to expend funds for the rental or lease of aircraft, which may include a helicopter.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1999, 76th Leg., ch. 280, Sec. 12, eff. Sept. 1, 1999.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 533 (S.B. [312](#)), Sec. 62, eff. September 1, 2017.

The following section was amended by the 87th Legislature. Pending publication of the current statutes, see H.B. [3388](#), 87th Legislature, Regular Session, for amendments affecting the following section.

Sec. 2205.036. PASSENGER TRANSPORTATION. (a) The department shall provide aircraft transportation, to the extent that its aircraft are available, to:

(1) state officers and employees who are traveling on official business according to the coordinated passenger scheduling system and the priority scheduling system developed as part of the aircraft operations manual under Section [2205.038](#);

(2) persons in the care or custody of state officers or employees described by Subdivision (1); and

(3) persons whose transportation furthers official

state business.

(b) The department may not provide aircraft transportation to a passenger if the passenger is to be transported to or from a place where the passenger:

(1) will make or has made a speech not related to official state business;

(2) will attend or has attended an event sponsored by a political party;

(3) will perform a service or has performed a service for which the passenger is to receive an honorarium, unless the passenger reimburses the department for the cost of transportation;

(4) will attend or has attended an event at which money is raised for private or political purposes; or

(5) will attend or has attended an event at which an audience was charged an admission fee to see or hear the passenger.

(c) The department may not provide aircraft transportation to a destination unless:

(1) the destination is not served by a commercial carrier;

(2) the aircraft transportation is the most cost-effective travel arrangement in accordance with Section [660.007\(a\)](#);

(3) the number of passengers traveling makes the use of a state aircraft cost-effective; or

(4) emergency circumstances necessitate the use of a state aircraft.

(d) Before the executive director of the department or the director's designee may authorize a person to use a state-operated aircraft, the person must sign an affidavit stating that the person is traveling on official state business. On filing of the affidavit, the person may be authorized to use state-operated aircraft for official state business for a period of one year. A member of the legislature is not required to receive any other additional authorization to use a state-operated aircraft.

(e) Before the executive director of the department or the director's designee may authorize an employee of a state agency to use a state-operated aircraft, the administrative head of the state

agency must certify that the employee's transportation complies with the requirements of this section.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1999, 76th Leg., ch. 280, Sec. 13, eff. Sept. 1, 1999.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 533 (S.B. [312](#)), Sec. 63, eff. September 1, 2017.

Sec. 2205.037. USE FOR POLITICAL PURPOSES; CIVIL LIABILITY. (a) A person may not use a state-owned aircraft solely for political purposes or spend state funds for the use of an aircraft solely for political purposes.

(b) A person who violates this section is civilly liable to the state for the costs incurred by the state because of the violation.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 2205.038. AIRCRAFT OPERATIONS MANUAL. (a) The department shall:

(1) prepare a manual that establishes minimum standards for the operation of aircraft by state agencies; and

(2) adopt procedures for the distribution of the manual to state agencies.

(b) The manual must include provisions for:

(1) pilot certification standards, including medical requirements for pilots;

(2) recurring training programs for pilots;

(3) general operating and flight rules;

(4) coordinated passenger scheduling; and

(5) other issues the department determines are necessary to ensure the efficient and safe operation of aircraft by a state agency.

(c) The department shall confer with and solicit the written advice of state agencies the department determines are principal users of aircraft operated by the department and, to the extent practicable, incorporate that advice in the development of the

manual and subsequent changes to the manual.

(d) The department shall give an officer normally elected by statewide election priority in the scheduling of aircraft. The department by rule may require a 12-hour notice by the officer to obtain the priority in scheduling.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1999, 76th Leg., ch. 280, Sec. 14, eff. Sept. 1, 1999.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 533 (S.B. [312](#)), Sec. 64, eff. September 1, 2017.

Sec. 2205.039. TRAVEL LOG. (a) The department shall prescribe:

(1) a travel log form for gathering information about the use of state-operated aircraft;

(2) procedures to ensure that individuals who travel as passengers on or operate state-operated aircraft provide in a legible manner the information requested of them by the form; and

(3) procedures for each state agency that operates an aircraft for sending the form to the department.

(b) The travel log form must request the following information about a state-operated aircraft each time the aircraft is flown:

(1) a mission statement, which may appear as a selection to be identified from general categories appearing on the form;

(2) the name, state agency represented, destination, and signature of each person who is a passenger or crew member of the aircraft;

(3) the date of each flight;

(4) a detailed and specific description of the official business purpose of each flight; and

(5) other information determined by the department to be necessary to monitor the proper use of the aircraft.

(c) A state agency other than the department shall send the agency's travel logs to the department on an annual basis. An



agency is not required to file a travel log with the department if the agency did not operate an aircraft during the period covered by the travel log.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1999, 76th Leg., ch. 281, Sec. 11, eff. Sept. 1, 1999.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1312 (S.B. 59), Sec. 59, eff. September 1, 2013.

Acts 2017, 85th Leg., R.S., Ch. 533 (S.B. 312), Sec. 65, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 573 (S.B. 241), Sec. 1.25, eff. September 1, 2019.

Sec. 2205.040. RATES AND BILLING PROCEDURES; ACCOUNT FOR CAPITAL REPLACEMENT COSTS. (a) Subject to Subsection (b), the department shall adopt rates for interagency aircraft services that are sufficient to recover, in the aggregate and to the extent possible, all direct costs for the services provided, including a state agency's pro rata share of major maintenance, overhauls of equipment and facilities, and pilots' salaries.

(b) If the department's most recent long-term plan contains an analysis under Section 2205.032(c)(7) that finds that including capital recovery costs in the rates the department charges under this section is a practicable fleet replacement strategy, the department may adopt rates for interagency aircraft services provided by the department that are sufficient to recover, in the aggregate and to the extent possible:

(1) all direct costs for services provided, as provided by Subsection (a); and

(2) the capital costs of replacing aircraft in the pool.

(c) The Legislative Budget Board, in cooperation with the department and the state auditor, shall prescribe a billing procedure for passenger travel on state-operated aircraft.

(d) If the department adopts rates under Subsection (b), the portion of the rates collected for the capital costs of replacing

aircraft in the pool shall be deposited in a separate account in the state highway fund. Money in the account may be used only for the acquisition of aircraft for the pool operated by the department under Section [2205.032](#).

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1999, 76th Leg., ch. 280, Sec. 15, eff. Sept. 1, 1999.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 533 (S.B. [312](#)), Sec. 66, eff. September 1, 2017.

Sec. 2205.041. AIRCRAFT USE FORM. (a) The department shall prescribe:

(1) an annual aircraft use form for gathering information about the use of state-operated aircraft, including the extent to which and the methods by which the goal provided by Section [2205.031](#)(b) is being met; and

(2) procedures for each state agency that operates an aircraft for sending the form to the department.

(b) The aircraft use form must request the following information about each aircraft a state agency operates:

(1) a description of the aircraft;

(2) the date purchased or leased and the purchase price or lease cost;

(3) the number of annual hours flown;

(4) the annual operating costs;

(5) the number of flights and the destinations;

(6) the travel logs prepared under Section [2205.039](#);

and

(7) any other information the department requires to document the proper or cost-efficient use of the aircraft.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1999, 76th Leg., ch. 280, Sec. 16, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 281, Sec. 12, eff. Sept. 1, 1999.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1203 (S.B. [1455](#)), Sec. 20, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 533 (S.B. [312](#)), Sec. 67, eff. September 1, 2017.

Sec. 2205.042. PILOTS. An individual who is not a pilot employed by the department may not operate a state-operated aircraft unless the department grants the individual a specific exemption from that requirement.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 533 (S.B. [312](#)), Sec. 68, eff. September 1, 2017.

Sec. 2205.043. AIRCRAFT MARKING. (a) Each aircraft owned or leased by the state, other than an aircraft used for law enforcement purposes, shall be marked:

(1) with the state seal on each side of the aircraft's vertical stabilizer; and

(2) with the words "The State of Texas" on each side of the aircraft's fuselage.

(b) The department shall adopt rules, consistent with federal regulations and Section [3101.001](#), governing the color, size, and location of marks of identification required by this section.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1995, 74th Leg., ch. 76, Sec. 5.39(a), eff. Sept. 1, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 921 (H.B. [3167](#)), Sec. 7.0052, eff. September 1, 2007.

Acts 2017, 85th Leg., R.S., Ch. 533 (S.B. [312](#)), Sec. 69, eff. September 1, 2017.

Sec. 2205.044. FUEL AND MAINTENANCE CONTRACTS. The department may contract with a state or federal governmental agency or a political subdivision to provide aircraft fuel or to provide aircraft maintenance services.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 533 (S.B. [312](#)), Sec. 70, eff. September 1, 2017.

Sec. 2205.045. INSURANCE. (a) The department may purchase insurance to protect the department from loss caused by damage, loss, theft, or destruction of aircraft owned or leased by the state and shall purchase liability insurance to protect the officers and employees of each state agency from loss arising from the operation of state-owned aircraft.

(b) The insurance must be on a form approved by the State Board of Insurance.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1999, 76th Leg., ch. 280, Sec. 17, eff. Sept. 1, 1999.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 533 (S.B. [312](#)), Sec. 71, eff. September 1, 2017.

Sec. 2205.046. AIRCRAFT FOR FLIGHT TRAINING PROGRAMS.

(a) The department may transfer aircraft to a public technical institute or other public postsecondary educational institution for use in the institution's flight training program. Except as provided by this section, the department has no responsibility for continued maintenance of aircraft transferred under this section.

(b) As a condition to the transfer of the aircraft, the institution must certify in writing to the department that the institution will accept full responsibility for maintenance of the aircraft and that it will be properly maintained while in the custody and control of the institution. The department is entitled to inspect the aircraft without notice for the purpose of ensuring that the aircraft is properly maintained.

(c) The department may immediately reassume custody and control of a transferred aircraft on a finding by the department that:

- (1) the aircraft is not being properly maintained;
- (2) the aircraft is being used for a purpose other than

flight training; or

(3) the institution has discontinued its flight training program.

Added by Acts 1997, 75th Leg., ch. 280, Sec. 1, eff. May 26, 1997.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 533 (S.B. [312](#)), Sec. 72, eff. September 1, 2017.

Sec. 2205.047. INFORMATION POSTED ON THE INTERNET. The department shall post information related to travel and other services provided by the department on an Internet website maintained by or for the department. The site must be generally accessible to state agencies, persons who use the department's services, and, to the extent appropriate, the general public.

Added by Acts 2001, 77th Leg., ch. 1232, Sec. 3, eff. Sept. 1, 2001.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 533 (S.B. [312](#)), Sec. 73, eff. September 1, 2017.